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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,060	03/22/2004	Holger Richert	SANZ-254	1584
24972 7590 07/13/2009 FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			EXAMINER GAMBETTA, KELLY M	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 07/13/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,060	<b>Applicant(s)</b> RICHERT ET AL.	
	<b>Examiner</b> KELLY GAMBETTA	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 1 April 2009 have been fully considered but they are not persuasive. With regard to the 35 USC 112 2nd paragraph rejection, the applicant argues that identical refers to the constitution of the modules. However, "identical" as claimed is not defined in the specification and is still deemed an indefinite term. "Identical dimensions" as used in the instant specification page 10 would be a definite term, for example. Therefore, this rejection is maintained.

With regard to the 35 USC 103(a) rejection, the applicant argues that there is no motivation to make the substrates larger in Love. Love does not disclose a substrate larger than the transfer chamber or buffer chamber or a buffer and transfer chamber that are of the same size. Shinohara et al. uses a similar procedure and apparatus as Love. Shinohara et al. does not use physical but separates the chambers with gas outlets that may be considered gates at least as broadly described by claim 11, and teaches transfer chambers 407 and 410 that are of the same size of buffer chambers 408a and 408b in Figure 4 with a substrate large enough to require the transfer and buffer chambers to be open to one another in order to continuously coat a large substrate (paragraphs 0004-0005 et seq.) It would not be beyond the capabilities of one of ordinary skill in the art to use the 'gates' of Shinohara et al. or their vacuum pumping scheme when looking to coat a larger substrate. Even without using the gates

Art Unit: 1792

of Shinohara et al. it is not beyond one of ordinary skill in the art to not close a gate in Love when the substrate is larger.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Love to include a substrate larger than the transfer chamber or buffer chamber or a buffer and transfer chamber that are of the same size as taught by Shinohara et al. in order to continuously coat a large substrate.

Other arguments entered were previously addressed in prior office actions.

Thus, the rejections of the previous office action are maintained.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation of having transfer and buffer chambers developed as identical modules, but based upon previous arguments, it is clear that identical is indeed a relative term. Previous arguments use identical to mean that the size of the chambers is the same, but also argue that the pressure in the chambers are different - making the chambers not identical with respect to pressure. Clarification of the term in claim 11 is required. Claims 12-20 are rejected as being dependant upon a base claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent number 4274936 to Love in view of US publication 2002/0020496 to Shinohara et al.

Regarding claim 11, Love discloses a method for the operation of a an in-line coating installation having an inward transfer chamber, buffer chamber, process chamber, buffer chamber, and outward transfer chamber with gates between the chambers that can be opened and closed. (Described as entrance and exit chambers, coating chambers and isolation chambers in column 5 lines 25-43.) The gates between the two buffer chambers and their respective adjacent inward and outward transfer chambers are opened and the pressure conditions are adapted to one another during the method disclosed by Love (column 4 lines 3-24 and column 11 lines 3-20). The substrate of Love is also of a specified maximum size (abstract). Love teaches glass substrates in the abstract. Love does not disclose a substrate larger than the transfer chamber or buffer chamber or a buffer and transfer chamber that are of the same size. Shinohara et al. uses a similar procedure and apparatus as Love (Shinohara et al. does not use physical but separates the chambers with gas outlets that may be considered gates at least as broadly described by claim 11), and teaches transfer chambers 407 and 410 that are of the same size of buffer chambers 408a and 408b in Figure 4 with a substrate large enough to require the transfer and buffer chambers to be open to one another in order to continuously coat a large substrate (paragraphs 0004-0005 et seq.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Love to include a substrate larger than the transfer chamber or

Art Unit: 1792

buffer chamber or a buffer and transfer chamber that are of the same size as taught by Shinohara et al. in order to continuously coat a large substrate.

Regarding claim 12, Shinohara et al. has a conveying system for the substrate that has a constant rate throughout the chambers (as the substrate is so large it is inherent), and Love discloses each chamber having its own transportation system (column 10 lines 8-40).

With regard to claim 13, Love shows a process chamber 2 with a left and right boundary formed by slit diaphragms 90 and 110 in Figure 1.

With regard to claim 14, the sequence of opening and closing of valves is disclosed by Love in the section labeled "Operation" in columns 13-18 et seq. One of ordinary skill in the art would recognize that if the substrate was larger than either of the transfer or buffer chambers, that valve would have to be open to process the substrate in those chambers, as taught by Shinohara et al. above.

Regarding claim 15, Love discloses pumps associated with the inward transfer chamber that pump the chamber from atmospheric pressure to a lower pressure with roughing pumps (column 8 et seq) and pumps associated with the buffer chamber that pump the chamber closer to the pressure of the coating chamber (the absolute pressure of the system in column 11 lines 21-40).

Regarding claim 16, Love discloses the first pressure to be below 500 microns in column 8, with is approximately 7 mbar when converting units, and 0.01-0.001 microns in column 11 lines 21-40 which is approximately 0.05 mbar.

Regarding claims 17 and 18, Shinohara et al. shows the same transportation arrangements and rates as discussed above for both the transfer and buffer chambers.

Regarding claims 19 and 20, Love discloses controlling pressures and opening and closing gates with a control and manifolds in the abstract, column 6 lines 19-37, column 7 lines 56-62 and other locations throughout the document.

### ***Allowable Subject Matter***

Claim 21 is allowed. Love et al. and the other prior art, alone or in combination, does not explicitly teach identical dimensions for the modules.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 1792

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY GAMBETTA whose telephone number is (571)272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly M Gambetta  
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